

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Patrick O'Leary

v.


05-cv-335-SM

Dartmouth College Trustees

ORDER

Re: Document No. 5, Motion to Dismiss:

Ruling: Defendant's motion to dismiss plaintiff's disparate impact age discrimination claim is granted, for the reasons given in defendant's motion and reply. However, plaintiff may engage in appropriate discovery, and will be allowed to amend his complaint to add a disparate impact claim if he determines in good faith that the facts warrant such a claim. As is apparent from plaintiff's pleadings, he candidly concedes that he cannot currently allege facts sufficient to adequately plead a disparate impact claim.

  
Steven J. McAuliffe  
Chief District Judge

Date: June 19, 2006

cc: K. William Clauson, Esq.  
Edward A. Haffer, Esq.